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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,886	11/18/2003	Chih-Wei Chen	0698-0167P	2800
2292	7590	01/27/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DUONG, OANH L	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/714,886

Applicant(s)

CHEN, CHIH-WEI

Examiner

Oanh Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-11 are presented for examination.

#### ***Priority***

2. Acknowledgement is made to claim priority under 35 U.S.C. 119 for the benefit of the earlier filing date with respect to Taiwanese Patent Application No. 092114110 filed May 26, 2003. A certified copy of the application has been received and placed in file.

#### ***Claim Objections***

3. Claims 3 and 9 are objected to because of the following informalities:

Claim 3 recites the limitation "the group" line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the group" line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-8, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ote et al.** (hereafter, Ote), U.S. Patent No. **5,815,652**.

Regarding claim 1, **Ote** teaches a server management method for allowing a user to remotely manage a server (i.e., computer to be managed 10, Fig. 1A) via a remote terminal device (i.e., remote managing computer 27, Fig. 1B) and through a network communication system (i.e., public line 25, Figs 1A-1B, col. 5 lines 11-13), the method comprising the steps of:

transmitting via a management program module (i.e., agent 17) a management command (i.e., the power-on/off request), which corresponds to management information sent by the user from the remote terminal device (i.e., remote managing computer 27, Fig. 1B) and through the network communication system (i.e., public line 25, Figs 1A-1B, col. 5 lines 11-13), to one of an operating system (i.e., network OS 161, Fig. 1A) and an alarm unit (i.e., preset time power controller 12121, Fig. 5A) of the server (i.e., computer 10) (i.e., *the user sends a power-off request by the power-off means to the agent 17. The agent 17 issues a system shut-down request to the network OS 161, col. 8 lines 5-18*);

adding via one of the operating system and the alarm unit a server control command to an operational schedule thereof according to the management command (i.e., *the preset time power controller (or power controller 1212) sets/adds the power-on/off request time to the RTC, col. 8 lines 19-27*); and

having one of the operating system and the alarm unit drive a control unit to control the server according to the operational schedule (i.e., when *the preset power-on*

*request time is reached, the RTC 127 informs the arrival of the power-on request time to the preset time power controller 12121. The preset time power controller 12121 controls the power unit through the power controller 12122 to turn on the power, col. 8 lines 28-48).*

Regarding claim 2, **Ote** teaches the server management method of claim 1, wherein the management program module (i.e., agent 17) is mounted in a network server (computer 10, Fig. 1A).

Regarding claim 4, **Ote** teaches the server management method of claim 1, wherein the alarm unit is provided with an I/O (Input/Output) controller chip (i.e., controller 1212) and externally connected by an alarm-clock (i.e., RTC 127) pin of the I/O controller chip (*Ote discloses the controller 12121 sets the power-on/off request time to the RTC 127, Fig. 5A, col. 8 lines 20-40).*

Regarding claim 5, **Ote** teaches the server management method of claim 1, wherein the server control command is written in the form of software in either the operating system or the alarm unit via the management program module (i.e., *the agent 17 issues a system shut-down request to the network OS 161, col. 8 lines 5-19).*

Regarding claim 6, **Ote** teaches the server management method of claim 1, wherein the control unit (i.e., power controller) is located at an on-control position of an

I/O controller chip, and is electrically connected to a power supply unit, allowing a power-on operation of the power supply unit to be controlled by the control unit (i.e., *the preset time power controller 12121 controls the power unit 13 through the power controller 12122 to turn on the power, Fig. 5A and Fig. 17*).

Regarding claim 7, **Ote** teaches a server management system for allowing a user to remotely manage a server (i.e., computer to be manage 10, Fig. 1A) via a remote terminal device (i.e., remote managing computer 27, Fig. 1B) and through a network communication system (i.e., public line 25, Figs 1A-1B, col. 5 lines 11-13), the system comprising:

a management program module (i.e., agent 17, Fig. 1A) mounted in the server (computer 10), to receive management information sent by the user from the remote terminal device and through the network communication system, and to transmit a management command corresponding to the management information to an operating and/or control mechanism of the server where the management command is executed (i.e., *the user sends a power-off request by the power-off means to agent 17. The agent 17 issues a system shut-down request to the network OS 161, and thereafter, the system is shut-down, col. 8 lines 5-18*);

an alarm unit (i.e., preset time power controller 12121 or power controller 1212, Fig. 5A) for setting actuation time of a peripheral device (i.e., power unit 13, Fig. 5A) of the server according to the management command (i.e., *the preset time power*

*controller sets the power-on/off request time to the RTC. When the preset power-on request time is reached, the RTC 127 informs the arrival of the power-on request time to the preset time power controller 12121. The preset time power controller 12121 controls the power unit 13 through the power controller 12122 to turn on the power, Fig. 5A col. 8 lines 19-48); and*

a control unit (power controller 1212, Fig. 1A) for controlling in real time actuation of the peripheral device of the server according to the actuation time (i.e., *when the preset power-on request time is reached, the RTC 127 informs the arrival of the power-on request time to the preset time power controller 12121. The preset time power controller 12121 controls the power unit 13 through the power controller 12122 to turn on the power, col. 8 lines 42-48).*

Regarding claim 8, **Ote** teaches the server management system of claim 7, the management program module (i.e., agent 17) is mounted in a network server (computer 10, Fig. 1A).

Regarding claim 10, **Ote** teaches the server management system of claim 7, wherein the alarm unit is provided with an I/O (Input/Output) controller chip (i.e., controller 1212) and externally connected by an alarm-clock (i.e., RTC 127) pin of the I/O controller chip (i.e., *the controller 12121 sets the power-on/off request time to the RTC 127, Fig. 5A, col. 8 lines 20-40).*

Regarding claim 11, **Ote** teaches the server management system of claim 7, wherein the control unit (i.e., power controller 1212, Fig. 1A) is located at an on-control position of an I/O controller chip, and is electrically connected to a power supply unit, allowing a power-on operation of the power supply unit to be controlled by the control unit (i.e., *the preset time power controller 12121 controls the power unit 13 through the power controller 12122 to turn on the power, Fig. 5A and Fig. 17*).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ote** in view of **Applicant Admitted Prior Art** (hereafter, **AAPA**).

Regarding claim 3, **Ote** teaches the server management method of claim 2.

**Ote** does not explicitly teach the server is selected from the group consisting of an e-mail (electronic mail) server, an application program server, a file server, and a storage server.



**AAPA** teaches the server is selected from the group consisting of an e-mail (electronic mail) server, an application program server, a file server, and a storage server (page 1 lines 12-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify **Ote** to select a server from the group consisting of an e-mail server, an application program server, a file server, and a storage server as in **AAPA**. One would be motivated to do so to allow a massive data transmission between companies or between companies and end users to be managed in an information management system (**AAPA**, page 1 lines 10-12).

Regarding claim 9, **Ote** teaches the server management system of claim 8.

**Ote** does not explicitly teach the server is selected from the group consisting of an e-mail (electronic mail) server, an application program server, a file server, and a storage server.

**AAPA** teaches the server is selected from the group consisting of an e-mail (electronic mail) server, an application program server, a file server, and a storage server (page 1 lines 12-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify **Ote** to select a server from a group consisting of an e-mail server, an application program server, a file server, and a storage server as in **AAPA**. One would be motivated to do so to allow a massive data transmission between

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companies or between companies and end users to be managed in an information management system (**AAPA**, page 1 lines 10-12).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant disclosure:

a) Lehner (USPN 7,757,850 discloses a remote services management fault escalation mechanism.

b) Koontz et al. (USPN 6,845,392) disclose system and method for monitoring and managing a remote computer in a computer network.

c) Emerson et al. (USPN 7,742,066) disclose system and method for controlling remote console functionality assist logic in a compute system.

d) Humpherys et al. (USPN 6,098,143) disclose a remote server management device.

e) Ewing et al. (USPN 6,711,613) disclose a remote power control system.

f) Nouri et al. (USPN 6,330,690) disclose a fault tolerant method for resetting a server through either a local or remote client machine.

g) Dekoning et al. (USPN 6,769,022) disclose system for monitoring and managing devices on network.

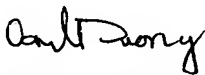
h) Worley et al. (USPN 6,651,190) disclose a remote maintenance device for monitoring and controlling a host computer and its operation system.

i) Nagashima (USPN 6,598,170) discloses power supply control based on preset schedule with independent schedule monitor and backup system for executing schedule operation when malfunction occurs.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:00PM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Oanh Duong  
January 19, 2006